

Date: 13/05/2026

Our reference: 906509/NW/002



Surrey
Wildlife Trust

School Lane, Pirbright,
Woking, Surrey, GU24 0JN
01483 795449
planning@surreywt.org.uk

surreywildlifetrust.org/epas

By email: planningenquiries@guildford.gov.uk

Dear Andrew Thompson

Planning reference: 25/P/01521

Proposals: Outline planning application with all matters except for the accesses from Guildford Road and Wyke Lane reserved, for subsequent approval for the demolition of the existing buildings and hardstanding and the erection of up to 200 residential dwellings including affordable housing and plots of self-build plots (Class C3); green and blue infrastructure and associated service and utility structures.

Site Address: Shortlands Farm, Guildford Road, Ash, Guildford, GU12 6DF

Thank you for consulting with Surrey Wildlife Trust with regards to the above planning application. Our advice is restricted to ecological issues and does not prejudice further representation Surrey Wildlife Trust may make as a non-statutory organisation on related, or other, issues. We do not comment on whether a planning application should be granted or refused, but rather provide a technical review of the ecological information that has been submitted to ensure that all ecological aspects have been appropriately considered prior to determination or discharging of conditions.

The Local Planning Authority (LPA) has a duty to conserve biodiversity in line with the planning and legislative context. Relevant legislation and planning policies are detailed in Appendix 1. We have reviewed the relevant application documents submitted on the planning portal, and other relevant publicly available information, and assessed these against published best practice guidance to determine whether the submitted information was sufficient for the LPA to assess the planning application. Following this, we assessed the proposals against relevant legislation and planning policy and recommended an appropriate course of action to ensure that the LPA is fulfilling its duty to conserve biodiversity.

Our advice and recommendations are detailed below.

This consultation response is valid for one year. Should further project information or amended designs be provided or submitted to the planning portal we may need to update our response accordingly.

We have reviewed the following:

- APPENDIX A - ECOLOGY TECHNICAL NOTE TO SHORTLAND FARM STATEMENT OF CASE (APPEAL STATEMENT) (FRPCR, 22 April 2026)
- Appendix B Statement of Case – 22 Apr 2026 – Updated BNG metric
- Consultation Response Ref 547309 (Natural England, 05 May 2026)



Summary of Recommendations

A summary of our advice and recommendations is provided in Table 1. The detail is provided further in this document.

Table 1 Summary of Recommendations

Planning Stage	Recommendation
Prior to determination	Bat activity survey(s)
	Assessment of suitability for overwintering birds
	Great crested newt presence/likely absence survey(s)
	Ensure that appropriate contributions to Suitable Alternative Natural Greenspace provision and Strategic Access Management and Monitoring payment are secured (Thames Basin Heaths)
	LPA to consider application in line with Policy P5
Prior to commencement	Badger walkover survey
	Bird compensation and enhancement strategy
	Reptile mitigation strategy
	Habitat Management and Monitoring Plan
	Ecological Enhancement Plan (EEP)
Deemed condition	General Biodiversity Gain Condition (including off-site strategy)
TBA	Further advice and recommendations TBA following submission of further information

Cumulative impacts

We understand Natural England as the statutory advisor on statutory sites have provided comments, therefore, we refer LPA to their advice.

Protected species - Badger

We previously advised that the submitted EclA did not make specific reference to badger (or other terrestrial mammals).

The above referenced Ecology Technical Note states in Section 2.4 that “*badgers are discussed within Table 3 of the FPCR EclA (2025) which states that a badger survey was conducted and that latrines, but no setts, were recorded onsite*”. A section of Table 3 was redacted in the version of the EclA we reviewed, therefore, we assume this redacted section is the statement referred to.

The Ecology Technical Note also states in section 2.5 that “*An updated badger survey undertaken on 31 March 2026 found no evidence of badgers on site. This lack of setts and latrines again supports the above conclusion. It should, however, be noted that due to the transient nature of badgers, an updated badger survey should be undertaken prior to works commencing onsite.*”

We recommend that prior to commencement a site walkover is undertaken by a suitably experienced ecologist to check for badger setts within the application site boundary,

and a 30m buffer, where accessible. If any badger activity is detected an appropriate method of working, including details of any licences that are required, will be submitted to, and approved in writing by the LPA.

The applicant should also ensure that construction activities on site have regard to the potential presence of terrestrial mammals to ensure that these species do not become trapped in trenches, culverts or pipes. All trenches left open overnight should include a means of escape for any animals that may fall in.

If badger activity is detected, works should cease and advice from a suitably experienced ecologist sought to prevent harm to this species.

Protected species - Bats

Buildings

No further comment.

Trees

We previously queried the tree numbering between reports and whether all impacted trees had been subject to a ground level tree assessment and further survey for bats.

The above referenced Ecology Technical Note states in section 2.7 “*every tree onsite was assessed for its bat roosting potential during the GLTA undertaken*” and that “*Eight trees were found to have potential to support roosting bats, of which three were, at the time, considered to have the potential to be impacted by the development via direct loss or indirect effects such as lighting, whereas the remaining five when assessed against the framework plan where effects were ruled out*”. We highlight that whilst we accept the ecologists response **the tree numbers for the five trees with bat potential which were ruled out due to lack of impacts do not appear to have been provided; as this is an Outline application these should be listed for completeness and to ensure any impacts regarding bat PRFs and trees are fully considered at the reserved matters stage.**

The above referenced Ecology Technical Note in section 2.9 clarifies and cross references the tree numbers in the BNG and AIA reports. In addition, in Section 2.8 it clarifies the discrepancy between the EcIA and The APPENDIX D: BAT SURVEY REPORT which reported bat emergence surveys for T4 and acknowledges this should read ‘T3’ not ‘T4’.

Commuting and foraging bats

We previously raised that section 4.37 of the EcIA states that “*Static detectors were deployed monthly throughout the season, with surveys still to be completed for October 2025 and April, May and June 2026*”.

The ecologist (FPCR) has responded to this in the above referenced Ecology Technical Note. We have reviewed all the points raised and the professional judgment of the FPCR. However, we maintain our previous recommendation, not least because the gap in data represents a significant portion of the bat activity season (i.e. all of spring and part of both summer and autumn). In addition, we advise the LPA the CIEEM guidelines¹ states the below:

“7.6 When determining a planning application, the competent authority should not adopt a ‘wait and see’ approach. It should not impose a condition requiring further work to identify the

¹ CIEEM (2018) Guidelines for Ecological Impact Assessment in the UK and Ireland: Terrestrial, Freshwater, Coastal and Marine version 1.3. Chartered Institute of Ecology and Environmental Management, Winchester.

likely environmental effects after permission has been granted. It is a well-established principle that the planning authority should ensure it takes account of all material considerations before making its decision (and does not take account of immaterial considerations not relevant to planning). It is therefore crucial that all information about the potentially significant ecological effects of the proposal is available to the planning authority before it grants permission.”

We recommend that prior to determination the completed bat activity surveys are undertaken of habitats that will be directly and/or indirectly impacted by the proposed development, and the Ecological Impact Assessment updated to reflect the outcome of all the surveys.

Protected species – Breeding birds

We previously highlighted that the site may provide suitable wet grassland habitat for overwintering birds and that this did not appear to have been assessed, we recommended that further ecological clarification on this aspect should be submitted.

The above referenced Ecology Technical Note does not provide any ecological clarification on this aspect and, therefore, our previous comments remain valid.

Protected species – Great crested newt

We previously highlighted that there are ponds within 500m that have not been considered within the ecologist’s assessment. We advised the LPA that insufficient information had been submitted and recommended that either presence/likely absence surveys or a NatureSpace Report or Certificate be submitted.

Great Crested Newt (GCN) are a Species of Principal Importance and as a legally protected species (see Appendix 1) are a material consideration.

Policy P6 of the Guildford Borough Local Plan: Development Management Policies (22 March 2023) states:

- *“Development proposals are required to protect and enhance priority species and habitats. They include:*
- *a) Species and Habitats of Principal Importance for Conservation (of biological diversity in England).*
- *b) species and habitats identified as priorities in the Local Nature Recovery Strategy and strategies produced by Natural England and the Surrey Nature Partnership”.*

Natural England’s Standing Advice² for GCN says *“If the developer has chosen not to use a DLL where one exists, you should ask them for a survey if any of the following criteria apply:*

- *distribution and historical records suggest GCN may be present - you can [search the National Biodiversity Network Atlas](#) by species and location*
- *there’s a suitable water body such as a pond or ditch within 500 metres (m) of the development, even if it only holds water for some of the year*
- *the development site includes refuges, such as log piles, rubble, grassland, scrub, woodland or hedgerows within 500m of suitable aquatic habitats (static or slow moving water bodies)*

² [Great crested newts: advice for making planning decisions - GOV.UK](#)

Surveys of water bodies within 250m of the development are usually sufficient. Developers may need to increase this to 500m if there are no obvious barriers to GCN dispersing into the wider environment."

We do not agree with the ecologist's conclusion in section 2.24 of the above referenced Ecology Technical Note that they consider there *"to be no constraints regarding GCN"*. There are potentially suitable ponds within both 250m and 500m of the site and there is suitable terrestrial habitat on site. We do not agree that the A323 is a complete barrier between the site and the ponds to the north, there is also connectivity to the ponds to the south of the site. It is not known if GCN are present. If GCN are present in the local landscape (i.e. within 250m) it is feasible that they may be present in suitable terrestrial habitat on the site.

Protected species – Hazel dormouse

We previously noted the ecologist appeared to have scoped out hazel dormouse due a lack of woodland on site, poor connectivity and a lack of records of the species locally. We highlighted that a lack of records does not confer absence, that there was at least some suitable habitat / habitat connectivity and that proposal includes the loss of 166m of hedgerow.

Sections 2.30 and 2.31 of the above referenced Ecology Technical Note clarify that of the 166m of hedgerow to be removed, only 6.5m of this native hedgerow of low quality, the remainder being non-native Leyland cypress species (which would be less suitable for hazel dormouse).

In Section 2.27 the above referenced Ecology Technical Note states *"Planning application 24/P/01158, located approximately 320m south-west of the Site, supported species-rich hedgerows and had ancient woodland adjacent, both suitable dormouse habitat. However, dormouse surveys in 2020 found no evidence of dormouse."* We have checked the Ecological Appraisals submitted for this application (24/P/01158) and cannot locate the 2020 dormouse survey referred to, but both the March 24 and August 2025 Aspect Ecology reports state *"This species has also been found to be absent during survey work undertaken for nearby planning applications (12/P/01973 and 18/P/02308). On this basis, in addition to the lack of Dormouse records returned from the desktop study, Dormouse are considered likely absent from the site."*; therefore, this assessment (for 24/P/01158) appears to be reliant on surveys conducted for adjacent applications.

However, we acknowledge that nest tube surveys conducted for 25/P/01725 (located approximately 1.3km at the closest point) in 2024 and 2025 were negative for hazel dormouse.

Given the additional ecological justification, we respect the ecologist's professional opinion on this aspect.

We advise the applicant that habitat for the species does exist and should hazel dormouse be recorded during works, all work should cease immediately, and advice sought from Natural England or a suitability experienced ecologist to agree on the appropriate actions.

Protected species - Reptiles

No further comment.

Protected species – Otter / water vole

No further comment.

Habitat of Principal Importance (HPI)

Grassland quality

No further comment.

Hedgerows

We had previously sought clarification regarding the extent of removal of HPI hedgerow to facilitate the proposed development.

As for hazel dormouse above, sections 2.30 and 2.31 of the above referenced Ecology Technical Note clarify that of the 166m of hedgerow to be removed only 6.5m of this native hedgerow. This is reflected in the Updated BNG metric which shows the loss of 0.007km (i.e. 6.5m rounded to the nearest 0.000km) of Native hedgerow with trees.

Section 2.31 also states *“The addition of new, native species within the proposed green infrastructure will more than compensate for these losses.”* We assume these are outside of private garden.

If the application is granted, then we recommend that the LPA require a hedgerow mitigation and compensation strategy be submitted prior to commencement. This could be included within the HMMP as part of the final BNG strategy.

Protection of watercourse

No further comment.

Protected sites and habitats - Statutory designated sites

We understand Natural England as the statutory advisor on statutory sites have provided comments, therefore, we refer LPA to their advice.

We advise that the LPA consider the application in line with Local Policy P5.

Protected habitat – Site of Special Scientific Interest (SSSI)

We previously highlighted that the EclA did not appear to have considered the Ash to Brookwood Heaths SSSI approximately 330m to the north (only the SPA & SAC components of this site). The above referenced Ecology Technical Note states in section 2.32 *“For avoidance of doubt, the Ash to Brookwood Heaths SSSI has been assessed under the assessment of the Thames Basin Heath & Thursley, Ash, Pirbright & Chobham SAC due to the overlap and similar reasons for designation.”*

We understand Natural England as the statutory advisor on statutory sites have provided comments, therefore, we refer LPA to their advice.

Biodiversity Net Gain - General

Minimum Information requirements

The Statutory biodiversity net gain metric in excel format has now been submitted (as Appendix B referenced above).

Biodiversity Net Gain - Self-build and custom build applications Exemption

We previously queried this aspect as it is unclear how the self-build plots are being dealt with in the strategy. However, given the size of the site we are reviewing biodiversity net gain on the assumption there is no exemption.

Strategic Significance

We previously referred to Guildford Borough Council's 'Planning Advisory Note: Strategic Significance' (18/10/2024) and recommended the methodology within the Biodiversity Net Gain (BNG) Assessment be confirmed as aligning with this strategy.

The above referenced Ecology Technical Note states in Section 2.34 *"The BNG report, metric and mapping has also been updated to reflect the Surrey Local Nature Recovery Strategy"*. The Surrey Local Nature Recovery Strategy has now been published and, therefore, this is an acceptable approach.

The methodology in Section 2.34 of the above referenced Ecology Technical Note and the above referenced statutory metric indicate that Strategic Significance has been appropriately applied in the BNG Assessment.

Private gardens (Post development)

We previously noted that that on-site habitat creation including tree planting in house frontage and native hedgerow on the eastern boundary had been included. It was not clear that the all the created habitats would be located outside of private gardens and therefore can be secured.

In section 2.33 of above referenced Ecology Technical Note, the ecologist has acknowledged *"SWT's point regarding the proposed hedgerow along the eastern boundary lying within residential gardens and thus the difficulty in retaining its quality and any potential lighting strategy is accepted. This hedgerow has now been removed from the biodiversity net gain (BNG) calculations."* This does appear to be reflected in the above referenced statutory metric.

We advise the LPA they should be satisfied that tree planting in house frontage is outside of private gardens and can be secured.

Significant On-Site Enhancement

No further comment.

BNG Strategy

The above referenced statutory metric details the following:

- The site baseline is 43.91 Habitat Units, 3.87 Hedgerow Units and 0.99 Watercourse Units
- The proposed development can deliver a net loss of -5.37% Habitat Units and a net gain of +97.28% Hedgerow Units and +37.41% Watercourse Units (
- Trading rules have not been satisfied.

The minimum information required to allow an assessment of whether the development has the capability to discharge the biodiversity gain condition has been submitted.

As the proposal includes on-site significant enhancement a Habitat Management and Monitoring Plan will be required. We recommend that prior to determination, the LPA may wish to discuss with the Applicant whether any obligations will be required to secure significant on-site habitat enhancements, or whether it would be appropriate to secure through a planning condition. This discussion would be in line with Planning Practice Guidance (1 May 2024) on biodiversity net gain (Biodiversity net gain - GOV.UK).

We do not provide legal advice. However, there are two types of legal agreement for BNG:

- Planning Obligation with an LPA.
- Conservation Covenant Agreement with a Responsible Body.

The development should not commence until an on-site Habitat Management and Monitoring Plan, prepared in accordance with the Biodiversity Gain Plan, has been submitted and approved in writing by the local planning authority.

Full detail of the off-site strategy to secure the minimum +20% for the Habitat Units should be submitted as part of the Biodiversity Gain Plan. To include Allocation Notice (or similar) of Biodiversity Units and the providers HMMP.

A completed metric calculation tool should be provided with the Biodiversity Gain Plan, and this should clearly show how the spatial risk multiplier has been applied.

The final information supplied must ensure that the correct Spatial Risk Multiplier is applied to the Statutory Biodiversity Metric and the sourcing of biodiversity units.

The final information supplied must ensure that the correct information on the Strategic Significance of the on/off-site land is correct and evidenced

Further detail on off-site biodiversity gains can be found at [Make off-site biodiversity gains as a developer - GOV.UK](#).

Habitat Management and Monitoring Plan (HMMP)

No further comment.

Ecological Enhancements

No further comment.

I hope this information is helpful in assisting your consideration of the application. Please contact planning@surreywt.org.uk if you require any further clarifications with regards to the above.

Kind regards,

Author Nicky Williamson BSc (Hons) MSc MCIEEM - Conservation Officer

Reviewer: Robert Hutchinson BSc (Hons) MSc CEcol MCIEEM – Manager of SWT Ecology Planning Advice Service

Appendix 1:

National Planning Policy and Legislation

Conservation of Habitats and Species Regulations 2017 (as amended)

Provides for the protection of Natura 2000 sites (SACs, SPAs and Ramsar sites), European Protected Species and habitats. European Protected Species are protected from:

- Deliberate capture, injury or killing.
- Deliberate disturbance of a European Protected Species, such that it impairs their ability to breed, reproduce or rear their young, hibernate or migrate or significantly affect their local distribution or abundance.
- Deliberately take or destroy effect.
- Damage or destroy a breeding site or resting place.
- Keep, transport, sell or exchange any live, dead or part of a European Protected Species.

European Protected Species include, but are not limited to:

- Great crested newt
- Natterjack toad
- Otter
- Smooth snake
- Sand lizard
- All bat species
- Hazel dormouse

The LPA should be aware of its legal duty under Regulation 9(3) of Conservation of Habitats and Species Regulations 2017, as amended, which states that “*a competent authority in exercising any of its functions, must have regard to the requirements of the Directives so far as they may be affected by the exercise of those function*”.

Also, under Regulation 55 (9b) of the above regulations, the LPA must apply the following three tests when deciding whether to grant planning permission where a Protected Species (bats) may be harmed, in line with of the Conservation of Habitats and Species Regulations 2017, as amended.

- The activity must be for imperative reasons of overriding public interest or for public health and safety;
- There must be no satisfactory alternative;
- Favourable conservation status of the species must be maintained.

Natural England has stated that they would expect these three tests to be adequately considered by the LPA before planning permission is granted. Natural England will require evidence from the applicant that the LPA has considered the three tests and how they were met, before a mitigation licence can be issued. Where a mitigation licence is required to avoid breach of legislation, development cannot proceed even where a valid planning permission is granted.

Wildlife and Countryside Act 1981 (as amended)

Key piece of legislation consolidating existing wildlife legislation to incorporate the requirements of the Bern Convention and Birds Directive. It includes additional protection measures for species listed under the Conservation of Habitats and Species Regulations 2017

(as amended) and includes a list of species protected under the Act. It also provides for the designation and protection of Sites of Special Scientific Interest (SSSI).

Development which would adversely affect a SSSI is not acceptable except only in special cases, where the importance of a development outweighs the impact on the SSSI when planning conditions or obligations would be used to mitigate the impact. Developments likely to impact on a SSSI will likely require an Environmental Impact Assessment (EIA).

The Impact Risk Zones (IRZs) dataset is a GIS tool which details zones around each SSSI according to the particular sensitivities of the features for which it is notified and specifies the types of development that have the potential to have adverse impacts. Natural England uses the IRZs to make an initial assessment of the likely risk of impacts on SSSIs and to quickly determine which consultations are unlikely to pose risks and which require more detailed consideration. Local Planning Authorities (LPAs) have a duty to consult Natural England before granting planning permission on any development that is in or likely to affect a SSSI.

Further information on specific legislation relating to species protected under the Wildlife and Countryside Act 1981 (as amended) is detailed below, under Protection of Protected Species and Habitats.

Environment Act (2021)

The Environment Act (2021) makes a provision for biodiversity net gain to be a condition of planning permission in England. Planning applications will need to demonstrate a 10% biodiversity net gain can be met. A biodiversity net gain plan must be submitted and must include:

- (a) information about the steps taken or to be taken to minimise the adverse effect of the development on the biodiversity of the onsite habitat and any other habitat
- (b) the pre-development biodiversity value of the onsite habitat,
- (c) the post-development biodiversity value of the onsite habitat,
- (d) any registered offsite biodiversity gain allocated to the development and the biodiversity value of that gain in relation to the development,
- (e) any biodiversity credits purchased for the development.

Biodiversity Net Gain

Paragraph: 019 Reference ID: 74-019-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states that:

- The statutory framework for biodiversity net gain involves the discharge of the biodiversity gain condition following the grant of planning permission to ensure the objective of at least 10% net gain will be met for a development.
- Given this, it would generally be inappropriate for decision makers, when determining a planning application for a development subject to biodiversity net gain, to refuse an application on the grounds that the biodiversity gain objective will not be met.
- However, decision makers may need to consider more broadly whether the biodiversity gain condition is capable of being successfully discharged. Matters for consideration may include the following (but this is not an exhaustive list):
 - The appropriate balance expected between onsite gains, off-site gains and the use of statutory biodiversity credits for the development, taking account of the Biodiversity Gain Hierarchy.

- Whether the type and location of any significant onsite habitat enhancements proposed for onsite gains are appropriate, taking into account other policies to support biodiversity (including local nature recovery strategies) and other wider objectives (for example policies for design, open space and recreation, and retention of trees); and
- Any planning conditions which need to be imposed to secure any significant onsite habitat enhancements, including any conditions requiring the maintenance of the enhancement for at least 30 years after the completion of the development.
- Prior to the determination of the planning application, decision makers will also want to discuss with the applicant whether any section 106 planning obligations are required to secure either significant onsite habitat enhancements or offsite gains for the development.

Through site selection and layout, developers should avoid or reduce any negative impact on biodiversity. They must deliver at least 10% BNG, as measured by the statutory biodiversity metric. There are 3 ways a developer can achieve BNG.

- *They can create biodiversity on-site (within the red line boundary of a development site).*
- *If developers cannot achieve all of their BNG on-site, they can deliver through a mixture of on-site and off-site. Developers can either make off-site biodiversity gains on their own land outside the development site, or buy off-site biodiversity units on the market.*
- *If developers cannot achieve on-site or off-site BNG, they must buy statutory biodiversity credits from the government. This should be a last resort. The government will use the revenue to invest in habitat creation in England.*

Developers can combine all 3 options but must follow the biodiversity gain hierarchy.

The statutory framework for biodiversity net gain requires a Biodiversity Gain Plan to be submitted and approved by the planning authority to discharge the biodiversity gain condition prior to the commencement of development.

Please note that Paragraph: 024 Reference ID: 74-024-20240214 of the Planning Practice Guidance published by the Ministry of Housing, Communities and Local Government and Department for Levelling Up, Housing and Communities (1 May 2024) states that:

- *“To ensure applicants are clear about this distinction, the local planning authority are strongly encouraged to not include the biodiversity gain condition, or the reasons for applying this, in the list of conditions imposed in the written notice when granting planning permission.*
- *There is a separate requirement to provide information about the biodiversity gain condition. This information must be separate to the list of conditions on the decision notice”.*

Countryside and Right of Way Act 2000

Amends and strengthens the Wildlife and Countryside Act 1981 (as amended). It also details habitats and species for which conservation measures should be promoted.

Natural Environment and Rural Communities Act 2006

Section 40 of the Act places a duty on local planning authorities to conserve and enhance biodiversity in England whilst carrying out their normal functions. Section 41 comprises a list

of Habitats of Principal Importance (HPIs) and Species of Principal Importance (SPIs) which should be considered.

The LPA will need to have particular regard to any relevant local nature recovery strategies, and any relevant species conservation strategy or protected site strategy prepared by Natural England.

Hedgerows Regulations 1997

Under these regulations it is an offence to intentionally or recklessly remove, or cause or permits another person to remove, a hedgerow. Important hedgerows are defined in Section 4 of the Regulations. This includes hedgerows that have existed for over 30 years or satisfies at least one criteria listed in Part II of Schedule 1.

Wild Mammals (Protection) Act 1996

Under this act wild mammals are protected from the intentional unnecessary suffering by crushing and asphyxiation.

ODPM Circular 06/05: Biodiversity and Geological Conservation – Statutory Obligations and Their Impact within the Planning System (2005)

The Government's Office of the Deputy Prime Minister (ODPM) Circular 06/05 (ODPM 2005) presents the legal requirement for planning authorities with regard to statutory designated sites. Planning approval should not be granted where impacts to statutory designated sites that are not connected to the site maintenance for nature conservation, or will have a significant effect on the site's conservation objectives and/or affect the site's integrity. Permission may be granted if the proposed development overrides public interest.

The presence of a protected species is a material planning consideration. The Circular clearly outlines that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before planning permission is granted. Otherwise, all relevant considerations may not have been addressed in making the decision.

Biodiversity Opportunity Areas (BOAs)

In order to assist in delivering the government's Biodiversity 2020 strategy, the Surrey Nature Partnership has identified seven BOAs where improved habitat management, habitat restoration and recreation of HPIs is the key focus to enhancing the connectivity of habitats for SPIs to deliver biodiversity objectives at a landscape scale. The location of these is presented in the South East Biodiversity Strategy's website. The project promotes a collaborative approach across a number of regional and local organisations.

Developments within or adjacent to BOAs should be designed in consideration of the BOA objectives, which are provided at:

- <https://surreynaturepartnership.org.uk/our-work/>

The BOAs include:

- Thames Basin Heaths comprising Chobham Common North & Wentworth Heaths, Chobham South Heaths, Colony Bog, Bagshot Heath & Deepcut Heaths, Ash, Brookwood & Whitmoor Heaths, Woking Heaths;
- Thames Basin Lowlands comprising Wanborough & Normandy, Woods & Meadows, Clandon to Bookham Parkland, Esher & Oxshott Commons, Ashted & Epsom Wood Pasture, Princes Coverts & Horton Country Park;

- Thames Valley comprising Windsor Great Park, Runnymede Meadows & Slope, Staines Moor & Shortwood Common, Thorpe & Shepperton, Molesey & Hersham;
- North Downs comprising North Downs Scarp; The Hog's Back, North Downs Scarp and Dip; Guildford to the Mole Gap, North Downs Scarp; Mole Gap to Reigate, North Downs; Epsom Downs, North Downs; Banstead Wood & Chipstead Downs, North Downs Scarp; Caterham, North Downs Scarp; Woldingham,
- Wealden Greensands comprising Puttenham & Crooksbury, Farnham Heaths, Thursley, Hankley & Frensham Heaths, Devil's punch-bowl & Hindhead Heaths, Hascombe, Winkworth & Hydon's Heath and Woodland, Blackheath, Chilworth & Farley Heaths, Winterfold & Hurtwood Greensand Ridge, Leith Hill, Wotton, Abinger & Holmwood Greensand Ridge, Limpsfield Heaths, Reigate Heaths, Holmthorpe & Bay Pond
- Low Weald comprising Chiddingfold & West Weald Woodlands, Cranleigh Woodlands, Wallis Wood, Vann Lake & Ockley Woodland, Glover's Wood & Edolph's Copse, Newdigate Wood, Earlswood & Redhill Commons;
- River Valleys comprising Hogsmill, Eden Brook, River Blackwater, River Wey, River Mole, River Thames,

Protection of protected species and habitats

Amphibians

Natterjack toad, pool frog and great crested newt are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are also afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Natterjack toad, common toad, great crested newt and northern pool frog are also SPIs.

Reptiles

Smooth snake and sand lizard are protected under the Conservation of Habitats and Species Regulations 2017 (as amended). They are afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Adder, grass snake, common lizard and slow-worm are all protected from killing and injury under the Wildlife and Countryside Act 1981 (as amended). All UK reptile species are SPIs.

Birds

All wild birds are protected under the Wildlife and Countryside Act 1981 (as amended). This includes damage and destruction of their nests whilst in use, or construction. Species listed under Schedule 1 of the Act, such as barn owl, are afforded protection from disturbance during the nesting season.

The following 50 bird species are SPIs: lesser redpoll, aquatic warbler, marsh warbler, skylark, white-fronted goose, tree pipit, scaup, bittern, dark-bellied brent goose, stone-curlew, nightjar, hen harrier, northern harrier, hawfinch, corncrake, cuckoo, Bewick's swan, lesser spotted woodpecker, corn bunting, curl bunting, yellowhammer, reed bunting, red grouse, herring gull, black-tailed godwit, linnet, twite, Savi's warbler, grasshopper warbler, woodlark, common scoter, yellow wagtail, spotted flycatcher, curlew, house sparrow, tree sparrow, grey partridge, wood warbler, willow tit, marsh tit, dunnoek, Balearic shearwater, bullfinch, roseate tern, turtle dove, starling, black grouse, song thrush, ring ouzel and lapwing.

Badger

Badger is protected under the Protection of Badgers Act 1992. Under this legislation it is an offence to kill or injure a badger; to damage, destroy or block access to a badger sett; or to disturb badger in its sett. The Act also states the conditions for the Protection of Badgers licence requirements.

Bats

All bat species are protected under the Conservation of Habitats and Species Regulations 2017 (as amended), as detailed above. Bats are further protected under the Wildlife and Countryside Act 1981 (as amended), making it an offence to:

- Deliberately or recklessly damage or destroy any structure or place which bat(s) use for shelter or protection.
- Disturb bat(s) while occupying a structure or place which it uses for shelter or protection.
- Obstruct access to any structure or place which they use for shelter or protection.

Furthermore, seven bat species are SPIs, covered under Section 41 of the NERC Act 2006. These include western barbastelle, Bechstein's, noctule, soprano pipistrelle, brown long-eared, lesser horseshoe and greater horseshoe.

Hazel dormouse

Hazel dormouse is protected under the Conservation of Habitats and Species Regulations 2017 (as amended). It is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended), including obstruction to a place of shelter or rest.

Hazel dormouse is also a SPI.

Hedgerow

Under the Hedgerows Regulations 1997 it is against the law to remove or destroy certain hedgerows without permission from the LPA, which are also the enforcement body for offences created by the Regulations. LPA permission is normally required before removing hedges that are at least 20 m in length, more than 30 years old and contain certain plant species. The authority will assess the importance of the hedgerow using criteria set out in the regulations. The regulations **do not** apply to hedgerows within the curtilage of, or marking a boundary of the curtilage of, a dwelling house.

Hedgerow is an HPI.

Otter

Otter is protected under the Conservation of Habitats and Species Regulations 2017 (as amended) and is afforded additional protection under the Wildlife and Countryside Act 1981 (as amended).

Otter is also a SPI.

Water vole

Water vole is fully protected from capture, killing or injury; damage, destruction or blocking access to a place of shelter; disturbance whilst in a place of shelter or possessing, selling any part of a water vole, dead or alive under the Wildlife and Countryside Act 1981 (as amended).

Water vole is also a SPI.

Other mammals

West European hedgehog, brown hare, mountain hare, pine marten, harvest mouse, polecat and red squirrel are all SPIs.

The following mammals are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended): wildcat, brown hare (Schedule 5A), mountain hare (Schedule 5A), pine marten and red squirrel.

Invertebrates

Fifty-six terrestrial and freshwater invertebrate species are listed under Schedule 5 of the Wildlife and Countryside Act 1981 (as amended). These include Reddish buff, Norfolk hawk, Purple emperor, High brown fritillary, Northern brown argus, White-clawed crayfish, Pearl-bordered fritillary, DeFolin's lagoon snail, Chequered skipper, Fairy shrimp, Rainbow leaf beetle, New Forest cicada, Southern damselfly, Large heath, Small blue, Wartbiter, Fen raft spider, Ivel's sea anemone, Mountain ringlet, Ladybird spider, Marsh fritillary, Spangled diving beetle, Mole cricket, Field cricket, Duke of Burgundy, Silver-spotted skipper, Medicinal leech, Lesser silver water beetle, Moccas beetle, Wood white, Violet click beetle, Large copper, Freshwater pearl mussel, heath fritillary, Glanville fritillary, Glutinous snail, Starlet sea anemone, Large tortoiseshell, Brackish hydroid, Swallowtail, Bembridge beetle, Barberry carpet, Silver-studded blue, Adonis blue, Chalk hill blue, Fiery clearwing, Sandbowl snail, Black hairstreak, White-letter hairstreak, Black-veined moth, Sussex emerald, Brown hairstreak, Northern hatchet-shell, Lulworth skipper, Tadpole shrimp, New Forest burnet.

A total of 398 invertebrates are Species of Principal Importance. These include: beetles (including stag beetle), butterflies (high brown fritillary, large heath, small blue, white-letter hairstreak, brown hairstreak, damselflies (southern damselfly), moths (marsh moth), ants, bees etc. Impacts to SPI must be considered by the LPA when assessing planning applications.

Non-native invasive plant species

Schedule 9 of the Wildlife and Countryside Act 1981 (as amended) is a list of non-native plant species for which Section 14 of the Act applies. It is an offence to plant, or otherwise cause to grow in the wild species listed under Schedule 9 of the act. These include, but are not limited to:

- Himalayan balsam
- Cotoneaster sp.
- Japanese knotweed
- Giant hogweed

Habitats of Principal Importance

Section 41 of the NERC Act 2006 details 56 HPs, of which the following could be present in south-east England: Lowland calcareous grassland, Lowland dry acid grassland, Lowland meadows, Lowland Heathland, Open Mosaic Habitats on Previously Developed Land, Lowland fens, Lowland raised bog, Reedbeds, Lowland beech and yew woodland, Lowland mixed deciduous woodland and Wet woodland.

Impacts to HPI are of material planning consideration.

Ancient woodland and veteran trees

The NPPF 2024 states that 'Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss

of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss'. In addition, Natural England's standing advice for ancient woodland indicates that a 15 m buffer is retained between ancient woodland and any works or development. Ancient woodlands, and ancient and veteran trees, may also be protected by Tree Preservation Orders.

National Planning Policy Framework (2024)

Details the Government's planning policies for England and how these should be applied, particularly to contribute to the Government's commitment to halt the decline of biodiversity. When assessing planning applications, LPAs should have regard to conserving and enhancing biodiversity by applying several principals, including:

- Avoiding impacts to biodiversity through appropriate site selection.
- Mitigating residual impacts.
- Encouraging the preservation and enhancement of biodiversity.
- Preventing the development of protected sites, such as SSSIs.
- Refusing permission where habitats that cannot be recreated, such as ancient woodland, would be lost.
- Encouraging good design that limits light pollution.

Relevant paragraphs in the NPPF (2024) are detailed below.

Paragraph Number	Detail
187	Planning policies and decisions should contribute to and enhance the natural and local environment by: (a) protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils (in a manner commensurate with their statutory status or identified quality in the development plan); (b) recognising the intrinsic character and beauty of the countryside, and the wider benefits from natural capital and ecosystem services – including the economic and other benefits of the best and most versatile agricultural land, and of trees and woodland (c) maintaining the character of the undeveloped coast, while improving public access to it where appropriate; (d) minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks that are more resilient to current and future pressures and incorporating features which support priority or threatened species such as swifts, bats and hedgehogs. (e) preventing new and existing development from contributing to, being put at unacceptable risk from, or being adversely affected by, unacceptable levels of soil, air, water or noise pollution or land instability. Development should, wherever possible, help to improve local environmental conditions such as air and water quality, taking into account relevant information such as river basin management plans; and (f) remediating and mitigating despoiled, degraded, derelict, contaminated and unstable land, where appropriate
190	"When considering applications for development within National Parks, the Broads and Areas of Outstanding Natural Beauty, permission should be

Paragraph Number	Detail
	refused for major development other than in exceptional circumstances, and where it can be demonstrated that the development is in the public interest. Consideration of such applications should include an assessment of: (a) the need for the development, including in terms of any national considerations, and the impact of permitting it, or refusing it, upon the local economy; (b) the cost of, and scope for, developing outside the designated area, or meeting the need for it in some other way; and (c) any detrimental effect on the environment, the landscape and recreational opportunities, and the extent to which that could be moderated.”
193	“When determining planning applications, local planning authorities should apply the following principles: (a) if significant harm to biodiversity resulting from a development cannot be avoided (through locating on an alternative site with less harmful impacts), adequately mitigated, or, as a last resort, compensated for, then planning permission should be refused; (b) development on land within or outside a Site of Special Scientific Interest, and which is likely to have an adverse effect on it (either individually or in combination with other developments), should not normally be permitted. The only exception is where the benefits of the development in the location proposed clearly outweigh both its likely impact on the features of the site that make it of special scientific interest, and any broader impacts on the national network of Sites of Special Scientific Interest; (c) development resulting in the loss or deterioration of irreplaceable habitats (such as ancient woodland and ancient or veteran trees) should be refused, unless there are wholly exceptional reasons and a suitable compensation strategy exists; and (d) development whose primary objective is to conserve or enhance biodiversity should be supported; while opportunities to improve biodiversity in and around developments should be integrated as part of their design, especially where this can secure measurable net gains for biodiversity or enhance public access to nature where this is appropriate.”
194	“The following should be given the same protection as habitats sites: (a) potential Special Protection Areas and possible Special Areas of Conservation; (b) listed or proposed Ramsar sites 68 ; and (c) sites identified, or required, as compensatory measures for adverse effects on habitats sites, potential Special Protection Areas, possible Special Areas of Conservation, and listed or proposed Ramsar sites.”
195	“The presumption in favour of sustainable development does not apply where the plan or project is likely to have a significant effect on a habitats site (either alone or in combination with other plans or projects), unless an

Paragraph Number	Detail
	appropriate assessment has concluded that the plan or project will not adversely affect the integrity of the habitats site.”
198	Planning policies and decisions should also ensure that new development is appropriate for its location taking into account the likely effects (including cumulative effects) of pollution on health, living conditions and the natural environment, as well as the potential sensitivity of the site or the wider area to impacts that could arise from the development. In doing so they should: a) mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development – and avoid noise giving rise to significant adverse impacts on health and the quality of life⁷²; b) identify and protect tranquil areas which have remained relatively undisturbed by noise and are prized for their recreational and amenity value for this reason; and c) limit the impact of light pollution from artificial light on local amenity, intrinsically dark landscapes and nature conservation.